

106TH CONGRESS
2D SESSION

H. R. 4820

To create an independent office in the Department of Labor to advocate on behalf of pension participants, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 11, 2000

Mr. ANDREWS (for himself, Mr. CLAY, Mr. ROMERO-BARCELÓ, and Mrs. MCCARTHY of New York) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To create an independent office in the Department of Labor to advocate on behalf of pension participants, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. OFFICE OF PENSION PARTICIPANT ADVOCACY.**

4 (a) IN GENERAL.—Title III of the Employee Retire-
5 ment Income Security Act of 1974 (29 U.S.C. 3001 et
6 seq.) is amended by adding at the end the following:

1 **“Subtitle D—Office of Pension**
2 **Participant Advocacy**

3 **“SEC. 3051. OFFICE OF PENSION PARTICIPANT ADVOCACY.**

4 “(a) ESTABLISHMENT.—

5 “(1) IN GENERAL.—There is established in the
6 Department of Labor an office to be known as the
7 ‘Office of Pension Participant Advocacy’.

8 “(2) PENSION PARTICIPANT ADVOCATE.—The
9 Office of Pension Participant Advocacy shall be
10 under the supervision and direction of an official to
11 be known as the ‘Pension Participant Advocate’ who
12 shall—

13 “(A) have demonstrated experience in the
14 area of pension participant assistance, and

15 “(B) be selected by the Secretary after
16 consultation with pension participant advocacy
17 organizations.

18 The Pension Participant Advocate shall report di-
19 rectly to the Secretary and shall be entitled to com-
20 pensation at the same rate as the highest rate of
21 basic pay established for the Senior Executive Serv-
22 ice under section 5382 of title 5, United States
23 Code.

24 “(b) FUNCTIONS OF OFFICE.—It shall be the func-
25 tion of the Office of Pension Participant Advocacy to—

1 “(1) evaluate the efforts of the Federal Govern-
2 ment, business, and financial, professional, retiree,
3 labor, women’s, and other appropriate organizations
4 in assisting and protecting pension plan participants,
5 including—

6 “(A) serving as a focal point for, and ac-
7 tively seeking out, the receipt of information
8 with respect to the policies and activities of the
9 Federal Government, business, and such organi-
10 zations which affect such participants,

11 “(B) identifying significant problems for
12 pension plan participants and the capabilities of
13 the Federal Government, business, and such or-
14 ganizations to address such problems, and

15 “(C) developing proposals for changes in
16 such policies and activities to correct such prob-
17 lems, and communicating such changes to the
18 appropriate officials,

19 “(2) promote the expansion of pension plan cov-
20 erage and the receipt of promised benefits by in-
21 creasing the awareness of the general public of the
22 value of pension plans and by protecting the rights
23 of pension plan participants, including—

1 “(A) enlisting the cooperation of the public
2 and private sectors in disseminating informa-
3 tion, and

4 “(B) forming private-public partnerships
5 and other efforts to assist pension plan partici-
6 pants in receiving their benefits,

7 “(3) advocate for the full attainment of the
8 rights of pension plan participants, including by
9 making pension plan sponsors and fiduciaries aware
10 of their responsibilities,

11 “(4) give priority to the special needs of low
12 and moderate income participants, and

13 “(5) develop needed information with respect to
14 pension plans, including information on the types of
15 existing pension plans, levels of employer and em-
16 ployee contributions, vesting status, accumulated
17 benefits, benefits received, and forms of benefits.

18 “(c) REPORTS.—

19 “(1) ANNUAL REPORT.—Not later than Decem-
20 ber 31 of each calendar year, the Pension Partici-
21 pant Advocate shall report to the Committees on
22 Education and the Workforce and Ways and Means
23 of the House of Representatives and the Committees
24 on Health, Education, Labor, and Pensions and Fi-
25 nance of the Senate on its activities during the fiscal

1 year ending in the calendar year. Such report
2 shall—

3 “(A) identify significant problems the Ad-
4 vocate has identified,

5 “(B) include specific legislative and regu-
6 latory changes to address the problems, and

7 “(C) identify any actions taken to correct
8 problems identified in any previous report.

9 The Advocate shall submit a copy of such report to
10 the Secretary and any other appropriate official at
11 the same time it is submitted to the committees of
12 Congress.

13 “(2) SPECIFIC REPORTS.—The Pension Partici-
14 pant Advocate shall report to the Secretary or any
15 other appropriate official any time the Advocate
16 identifies a problem which may be corrected by the
17 Secretary or such official.

18 “(3) REPORTS TO BE SUBMITTED DIRECTLY.—
19 The report required under paragraph (1) shall be
20 provided directly to the committees of Congress
21 without any prior review or comment than the Sec-
22 retary or any other Federal officer or employee.

23 “(d) SPECIFIC POWERS.—

24 “(1) RECEIPT OF INFORMATION.—Subject to
25 such confidentiality requirements as may be appro-

1 appropriate, the Secretary and other Federal officials
 2 shall, upon request, provide such information (in-
 3 cluding plan documents) as may be necessary to en-
 4 able the Pension Participant Advocate to carry out
 5 the Advocate’s responsibilities under this section.

6 “(2) APPEARANCES.—The Pension Participant
 7 Advocate may represent the views and interests of
 8 pension plan participants before any Federal agency,
 9 including, upon request of a participant, in any pro-
 10 ceeding involving the participant.

11 “(3) CONTRACTING AUTHORITY.—In carrying
 12 out responsibilities under subsection (b)(5), the Pen-
 13 sion Participant Advocate may, in addition to any
 14 other authority provided by law—

15 “(A) contract with any person to acquire
 16 statistical information with respect to pension
 17 plan participants, and

18 “(B) conduct direct surveys of pension
 19 plan participants.”

20 (b) CONFORMING AMENDMENT.—The table of con-
 21 tents for title III of such Act is amended by adding at
 22 the end the following:

 “Subtitle C—Office of Pension Participant Advocacy
 “3051. Office of Pension Participant Advocacy.”.

1 (c) EFFECTIVE DATE.—The amendment made by
2 this section shall take effect on January 1, 2001.

